

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.40922 of 2016

S.John

...Petitioner

vs.

The Member Secretary,
Youth Welfare and Sports Development Department,
116A, Nehru Park,
Poonamallee High Road,
Chennai 600 084.

...Respondent

Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of mandamus directing the respondent to reinstate the petitioner in service.

For Petitioner : Ms.Kavitha Deenadayalan

For Respondent : Mr.I.Sathish

O R D E R

The petitioner has come up with this Writ Petition seeking a direction to the respondent to reinstate him in service.

2. According to the petitioner, he was initially appointed by the respondent as Marker on 16.09.1992. Thereafter, in view of his unblemished service, he was elevated to the post of Selection Grade Marker. While so, the petitioner was falsely implicated for the offences under Section 8(c) read with Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act and was detained in police custody on 10.06.2012. Since he was under police custody for more than 48 hours, he was placed under deemed suspension from service with effect from the date of detention, i.e. 10.06.2012 until further orders by the respondent vide proceedings No.8433/AO-2/2012, dated 12.07.2012 based on the information received from the Superintendent, Narcotic Control Bureau, Chennai. Pursuant thereto, the

petitioner was acquitted from the said case under Section 235(1) Cr.P.C. on 13.05.2016 by the Special Judge, II Additional Special Court under NDPS Act, Chennai, for the reason that the prosecution miserably failed to prove the charge framed against the petitioner under Section 8(c) r/w Section 22(c) of NDPS Act.

3. It is the case of the petitioner that though he is under suspension, he is entitled to payment of subsistence allowance and hence, he made a representation to the respondent on 18.05.2016 enclosing a copy of the judgment dated 13.05.2016 and requested him to reinstate him in service. Since there was no reply, the petitioner again submitted a representation on 03.08.2016 seeking reinstatement in service and for other benefits consequent on his acquittal. Since no reply is forthcoming from the respondent, the petitioner has approached this Court by way of the present Writ Petition.

4. Heard the learned counsel on either side and perused the material documents available on record.

5. When the matter is taken up for consideration, learned counsel for the petitioner submitted that the petitioner's grievance will be redressed, if his representation is directed to be considered by the respondent and appropriate orders are passed on it.

6. In view of the above, without going into the merits of the case, this Court directs the petitioner to give a fresh representation to the respondent along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the petitioner's representation on merits and in accordance with law and pass appropriate orders within a period of four weeks, thereafter.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.No.34902 of 2016 is closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

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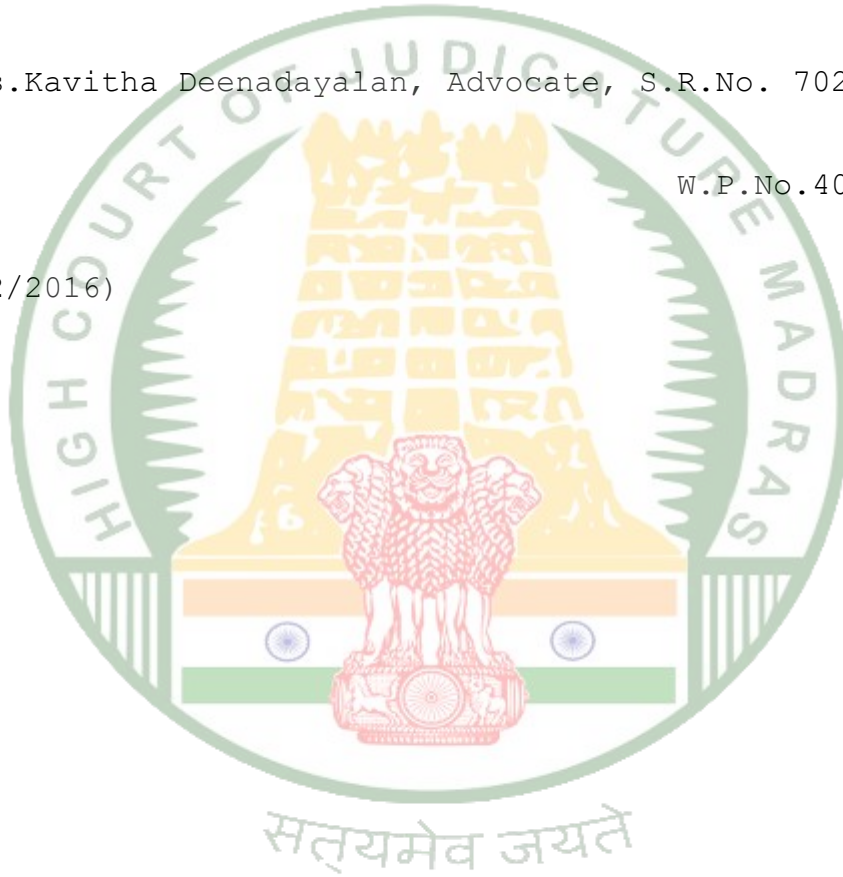
To

The Member Secretary,
Youth Welfare and Sports Development Department,
116A, Nehru Park,
Poonamallee High Road,
Chennai 600 084.

+1cc to Ms.Kavitha Deenadayalan, Advocate, S.R.No. 70213

W.P.No.40922 of 2016

VSN (CO)
PSI (28/12/2016)



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